IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WA.No. 1293 of 2004()

AGAINST THE JUDGEMENT IN WPC.12059/2004 Dated 15/06/2004
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APPELLANT: RESPONDENT:

PERUVANANTHANAM GRAMA PANCHAYAT,
PERUVANANTHANAM, IDUKKI, REP. BY ITS SECRETARY.

BY ADV. SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI

RESPONDENTS: PETIIONERS:
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1. K.H.SHAJAHAN, AGED 21 YEARS,
S/O. HANEEFA, KANGEZHAPARAMBIL HOUSE,
PERUVANTHANAM, IDUKKI DIST.

2. BASHEER, S/O. KANI RAWTHER, -DO- -DO-.

BY ADV. SRI.RENJITH THAMPAN
SRI.RENJITH THAMPAN

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 18/06/2007 ALONG WITH WA NO. 1329 OF 2004 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

W.A.Nos.1293 & 1329 of 2004

Dated, this the 18th day of June, 2007

JUDGMENT

H.L. DATTU, CJ.

Since the issues involved in these two writ appeals are common, we clubbed them together and dispose of by this common order.

2. The Peruvanthanam Grama Panchayat ventured to auction the rights for sale of meat in the grama panchayat area. In the previous year the petitioners though had participated in the auctions held for allotment of the meat stalls, but when the panchayat sought to re-auction in the next year, they came before this court and contended that the panchayat has no authority of law to allot the meat stalls/shops by way of auction. Their reliance was entirely on the provisions of the Kerala Panchayat Raj (Slaughter Houses and Meat Stalls) Rules, 1996, which has been framed by the State Government in exercise of its powers under sections 229, 230 and 231 of the Kerala Panchayat Raj Act, 1994.

3. The learned Judge, keeping in view the earlier decision rendered by him and also keeping in view the provisions of the Kerala Panchayat Raj Act read with the Kerala Panchayat Raj (Slaughter Houses and Meat Stalls) Rules 1996, has quashed the auction notice issued by the appellant. Aggrieved by the said order passed by the learned Judge, the appellant is before us in this appeal.

4. The learned counsel appearing for the appellant would contend that by virtue of sections 166 and 222 of the Kerala Panchayat Raj Act, 1994, the panchayat has the right to allot meat stalls/shops in the grama panchayat area by way of auction.

5. Having perused the aforesaid provisions, we are of the opinion that those provisions would not authorise the grama panchayat to allot meat stalls/shops by way of auctions.

6. In fact, the Kerala Panchayat Raj (Slaughter Houses and Meat Stalls) Rules 1996, provides the procedure for allotment of the meat stalls/shops in the panchayat area. Rule 38 of the said Rules is relevant for the purpose of this case. Rule 38 is as under:

> **Location of meat stalls**.- (1) All meat stalls vending meat from animals slaughtered in slaughter house in a Panchayat shall be a place within the limit of that Village Panchayat area approved by the Panchayat.

7. A perusal of the aforesaid rule would definitely indicate that the slaughter houses in a panchayat area shall be within the limits of the village panchayt approved by the panchayat and the same shall be by obtaining appropriate licence from the village panchayat. The rule appears to be an independent rule by itself and the village panchayat is supposed to act only under the rules for the allotment of the shops/licence

of the meat stalls in the village panchayat area. Therefore, they could not have ventured to auction the location of meat stalls in the village panchayat area.

In view of the above, the learned Single Judge was justified in granting the prayer sought for by the petitioners in the writ petition. Therefore, these writ appeals are dismissed. Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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